



STATE OF COLORADO

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Colorado Department
of Public Health
and Environment

March 2, 2006

Mr. Chuck Stillwell
Atlantic Richfield Company

Mr. Mike England
Town of Rico, Colorado

Mr. Ramon Escure
Rico Renaissance

Re: Proposed Institutional Controls as part of the Voluntary Cleanup and Redevelopment Act Application for Rico Soils, Rico, Colorado.

Dear Voluntary Cleanup Applicants:

The Proposed Institutional Controls (IC) submitted on behalf of the applicants under the Voluntary Cleanup and Redevelopment Act, for the site located in and around Rico, Colorado have been reviewed. The following paragraphs explain our comments on the IC's at this point:

1. With respect to the exclusion of the applicability of these regulations to excavations of less than 2 cubic yards - It would be prudent to consider that any excavation (excluding de minimus amounts) which penetrates deeper than 2" could potentially encounter lead-contaminated soil exceeding action levels. Proper handling (that is replacement of soil backfill at similar depths from which the soils were generated) of any soil from excavations deeper than 2" may be necessary.
2. With respect to Section 885.5 which requires the collection of depth samples within the Rico Soil Overlay Zone (RSOZ): It would seem necessary to collect these samples only if there were to be a planned excavation on the property. In the case of a planned excavation the depth sampling should characterize the entire length of the soil column to be excavated. Fill material should be sampled separate from native soils to minimize disposal volumes. In modifying the language, consider only requiring depth sampling if excavation is contemplated. The depth interval making up the composite sample must be equivalent to the maximum depth of the planned excavation. Deeper excavations should contemplate multiple samples to minimize disposal volumes.
3. Installation of gardens is an activity which may not qualify as "excavation" per se, but may cause the property owner to inadvertently bring lead contaminated soils from depth to near surface. While flower gardens may be less of an exposure risk, the ability of certain vegetables to uptake metals may warrant some caution with respect to vegetable gardens. One might consider including as an activity subject to this regulation as "disturbance" of greater than 2 cubic yards and insert this in 881.2A.

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At this point in the application process, you may prepare an addendum to the application submitted which would address our questions or you may withdraw your application. Please let us know how you wish to proceed. Should you have any questions concerning this letter please feel free to contact me at (303) 692-3449.

Sincerely,

A handwritten signature in cursive script that reads "Mark E. Walker".

Mark E. Walker
Voluntary Cleanup Program

Cc: Deb Ehlert; EPA Region 8
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